

Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOKTON SPEERT, Administrator and  
executor for the Estate of DENNIS SPEERT,  
deceased; JOKTON SPEERT, as an  
individual,

Plaintiffs,  
v.

UNITED STATE OF AMERICA, et al.,

Defendants.

**NO. C04-01975-RSL**

**STIPULATED  
PRIVACY ACT  
PROTECTIVE ORDER**

**ORDER**

The parties having stipulated, IT IS HEREBY ORDERED:

1. When used in this Order, the word “documents” means all written, recorded, electronic or graphic matter whatsoever, including but not limited to interrogatory answers; requests for admissions and responses thereto; documents produced by the defendant in this action whether pursuant to Fed. R. Civ. P. 26(a)(1), Fed. R. Civ. P. 34, subpoena, or by agreement; deposition transcripts and exhibits; and any portion of any court papers which quote from any of the foregoing. The term “information” includes all testimony provided by

1 deposition or otherwise, in addition to all content contained within any document as  
2 described above.

3 2. All documents or information designated as "CONFIDENTIAL" by counsel for  
4 the defendants shall be subject to this Order, and shall be used solely in connection with this  
5 lawsuit. No document or information designated as "CONFIDENTIAL" may be released or  
6 disclosed to any person other than:

- 7 a. plaintiffs and their counsel in this action;
- 8 b. secretaries, paralegal assistants, and other employees and agents of  
9 plaintiffs' counsel who are engaged in assisting plaintiffs' counsel in  
10 the preparation of this action;
- 11 c. persons who provided the confidential information;
- 12 d. outside consultants and experts consulted or retained for the purpose of  
13 assisting in the preparation of this action, upon condition that, before  
14 making disclosure, plaintiffs' counsel must obtain and retain an  
15 agreement in writing from the outside expert or consultant reciting that  
16 he or she has read a copy of this Order and agrees to be bound by its  
17 provisions; and
- 18 e. any other person mutually authorized by all counsel to examine such  
19 materials.

20 3. Any person having access to confidential documents or information shall be  
21 informed that it is confidential and subject to a non-disclosure Order of the Court. No such  
22 person shall disclose those documents or information to any person other than those  
23 specifically identified in paragraph 2, above, without further order of the Court or stipulation  
24 of the parties.

25 4. Should the plaintiffs, the defendants, or their respective attorneys or agents  
26 become aware that a previously disclosed document or previous testimony contains  
27 confidential information, he or she shall notify the other party of this fact and shall cooperate  
28 to ensure that the document or information is treated in the same manner as other  
confidential documents or information subject to this Order.

5. Confidential documents may be used in depositions or at trial. To the extent  
feasible, such documents shall be properly redacted before such use. If a document cannot

1 be redacted in a way satisfactory to both parties, such document shall not be used in a  
2 deposition or at trial unless it is appropriately marked and filed under seal with the Clerk as  
3 described in paragraph six below.

4 6. If plaintiffs' counsel intends to file any motion, opposition, reply or any other  
5 filing with the Court and attach thereto or set forth therein any document or information that  
6 defendants have designated as confidential, plaintiffs' counsel shall file two copies of such  
7 filing ("Version One" and "Version Two") with the Clerk. Version One shall redact only the  
8 specific information designated as confidential and shall be filed on the public record.  
9 Version Two shall contain no redactions and shall be filed in the Clerk's Office (1) if in  
10 paper form, in sealed envelopes or other approved sealed containers on which shall be  
11 endorsed the title and civil action number of this action, a brief description of the contents of  
12 such sealed envelope or container, the words "under seal," and a statement substantially in  
13 the following form:

14 This envelope contains documents which have been filed in the  
15 case by [name of party] and is not to be opened except pursuant  
to order of the Court;

16 or (2) if by electronic filing, pursuant to the Clerk's procedures for filing documents under  
17 seal via ECF. For the convenience of the parties, the Clerk, and the Court, if plaintiffs'  
18 counsel files any paper or pleading with the Court which contains both confidential and  
19 non-confidential material, plaintiffs' counsel may file the entire paper or pleading under seal.

20 7. Within sixty days of the conclusion of this litigation, including any appeals  
21 therefrom, any originals or reproductions of any confidential documents provided to  
22 plaintiffs' counsel pursuant to this Order shall be destroyed by plaintiffs' counsel or returned  
23 to the custody of counsel for the defendant. If the documents are destroyed, plaintiffs'  
24 counsel shall so notify defendant's counsel in writing.

25 8. Any specific part or parts of the restrictions imposed by this Order may be  
26 terminated at any time by a letter from counsel for the defendants to counsel for the  
27 plaintiffs, or by an order of the Court.  
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1           9. The failure to designate documents or information as provided in Paragraph 2 shall  
2 not constitute a waiver of defendants' assertion that the documents or information are  
3 covered by this Order.

4           10. This Order is without prejudice to the rights of any party to make any objection  
5 to discovery permitted by the Federal Rules of Civil Procedure, or by any statute or other  
6 authority, or to the rights of any party to make evidentiary objections at trial. This Order  
7 does not constitute a ruling on the question of whether any particular material is properly  
8 discoverable or admissible and does not constitute a ruling on any potential objection to the  
9 discoverability of any material.

10           The Clerk is directed to serve copies of this Order upon all parties through their  
11 counsel of record.

12           DATED this 2nd day of May, 2005.

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15           Robert S. Lasnik  
16           United States District Judge

17           Presented by:

18           s/Kirsten M. Schimpff  
19           KIRSTEN M. SCHIMPFF  
20           Assistant United States Attorney  
21           WSBA No. 31299

22           REVIEWED AND AGREED TO:

23           s/Richard Hamlish  
24           RICHARD HAMLISH  
25           Attorney for Plaintiffs